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Reflective Practice In Action: Preparing Samoan Journalists To Cover Court Cases

The paper relates a case study in Donald Schön's reflective practice approach to professional education. Two months before Samoa's highest profile criminal trial, the author conducted a seven-day intensive training session with several reporters who would be covering the case. The situation required an approach which would prepare the journalists to "reflect in action", as Schön (1987) expressed it, so they would be equipped to adapt their journalistic behaviour to the challenges which presented during the trial. This article explains briefly the Schön approach, gives the context to the Samoan training, and presents the case study of the curricular and pedagogical approaches to the court and criminal reporting workshop. Its aim is to use a focussed case study to demonstrate the application of educational theory to an immediate professional challenge.

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This article offers a case study in the training of Samoan journalists to cover an historically important criminal trial. It attempts to demonstrate how educationalist Donald Schön's (1987) theories of educating reflective practitioners were able to be put into practice in a short-term, highly focussed Pacific journalism training assignment.

In late 1999, Samoan journalists were about to cover the most important criminal trial in the country's history and the author was contracted to design and chair a seven-day AusAID-funded workshop which would help prepare them for the task.

On July 16, 1999, the Minister for Works, Luagalau Levaula Kamu, had been shot dead at a function celebrating the 20th anniversary of Samoa's ruling Human Rights Protection Party (HRPP). Within a fortnight police had arrested the 34-year-old son of Women's Affairs Minister Leafa Vitale and charged him

with murder. On August 6 the assassin was sentenced to death after a surprise plea of guilty. (The sentence was later commuted to life imprisonment.) His father and another former government minister, Toi Aukuso Cain, were then arrested and charged with murder and incitement to murder. They pleaded not guilty and their trials were set down for January 2000 under Supreme Court Justice Andrew Wilson.

As this article was drafted in late February, the high profile court case was under way in a special venue – the Congregational Church Youth Hall – large enough to accommodate the hundreds of interested public spectators and scores of international media in attendance. By the time the article had been reviewed and published, the trial had ended, with the accused both convicted and sentenced to death on Friday, April 13, 2000, sentences which were also later commuted to life imprisonment. This article has since been updated to incorporate some reflection upon the success of the training and the participants' involvement in the reportage of the trial.

The request for training came from the Journalists' Association of (Western) Samoa (JAWS) and was funded under AusAID's Pacific Media Initiative. The brief was to offer a seven day workshop in November 1999 which would give journalists from a range of media a sound working knowledge of criminal and court reporting so they could cover proceedings fairly and accurately and in the public interest. The course was scheduled against a problematic background in government-media relations in Samoa.

Throughout the 1990s there had been a spate of defamation actions brought by political figures against local media outlets, most notably a criminal libel charge over an article about the former prime minister published by the *Samoa Observer* newspaper. Other muzzles had been injunctions preventing publication of corruption allegations, the jailing of a journalist for scandalising the court, and the passing of legislation requiring journalists to reveal their sources during defamation interlocutory proceedings (IFEX Alert, 1999). These difficulties underscored the importance of the training program demonstrating the media's concern in reporting responsibly the nation's most significant criminal case.

An important factor underpinning the course and its approach was the cultural and social positioning of the Samoan journalist. Certainly, the "*tusitala*" or storyteller had an important role in traditional Samoan society. This was the name given by locals to the great Scottish author Robert Louis Stevenson who lived in Apia from 1888 until his death in 1894 (Oxford Paperback Encyclopaedia, 1998). Yet, while Stevenson himself has become an icon of Samoan history, the occupation of writer, particularly

"journalist", has not been held in the highest esteem. As in some other Pacific island nations, journalists in Samoa are poorly compensated and typically have had minimal formal training. With some notable exceptions, they have also been quite transient, often staying in journalism as a career for only a few months. Public service positions are respected as being the most secure and best rewarded, so for many Samoans a position as a journalist is a temporary career step while waiting for a government vacancy to arise. Masterton (1985) observed the cultural strictures placed upon journalists by the country's customary chiefly (or *matai*) hierarchies. He found Samoan journalists reluctant to ask their *matai* political leaders direct questions because it was disrespectful. Fourteen years on, such cultural protocols did not seem as inhibiting, but there appeared to be little social incentive or reward for courageous, probing journalism.

The key aim of the curriculum was to equip the participants to recognise and strike the delicate balance between the individual's right to a fair trial and the public's right to be informed about the justice process. A major hurdle was in explaining to Samoan journalists why the international media covering the trial would be operating under fewer restrictions, given that they would be publishing outside the jurisdiction. (Rules of sub judice contempt require a publisher in the immediate vicinity of a trial to be extra circumspect in reporting the crime and the case, given the potential for adverse influence upon witnesses and jurors.)

Further focus was added to the course with the conduct of pre-trial hearings behind closed doors during the seminar period and the issuing of subpoenas to workshop participants to testify about their media outlets' coverage of the case to date. As it transpired, reporters would return to the training sessions drained after being called to account for their reportage thus far.

The curriculum was pre-determined by the implementing agency, and required to include:

- The purpose of court reporting.
- What constitutes a fair trial and the media's role.
- Defamation and libel laws as they relate to reporting court proceedings.
- Legal terminology such as sub judice, in camera, privilege and other terms used in criminal proceedings.
- Understanding of court procedure from initiation through to appeal.
- Restrictions upon the media in the court environment.
- Samoan traditional and customary law and its role in the legal system.

A further requirement was that a reference manual be developed to which reporters could refer during the trial.

While this represented a sizeable wishlist of content to be covered in such a short workshop, the real challenge was a pedagogical one: how could this be designed so that participating journalists would be equipped to cover such a major trial after finishing the course? It was not sufficient that the reporters leave the seminar with the required knowledge. They also had to be able to implement it effectively in the reporting of the trial.

It seemed a suitable approach lay in the work of educationalist Donald Schön, whose research aimed to equip professionals with the ability to make crucial decisions in the midst of practice. Schön (1987, p. 26) coined the expression 'reflection-in-action' to describe the ability of the professional to reflect upon some problem in the midst of action in the workplace. Journalists need such an ability to reflect upon their knowledge of media law when confronted with legal dilemmas while reporting if their education in law is to be useful. Schön (1987, p.18) positions the 'reflective practicum' as the optimal mechanism for imbuing students with the "kinds of artistry essential to competence in the indeterminate zones of practice".

Using models from architecture, music, psychoanalytic supervision, consulting and city planning, Schön sets out the requirements of such a practicum. In the first instance Schön concentrates on the architectural design studio, which exemplifies the conditions and processes essential to the success of any practicum. These involve the functioning of the instructor as a "coach" rather than a "teacher", engaging in a dialogue with the student as problems are encountered, and using a combination of demonstrating, imitating, telling, listening, and strategic intervention to develop the student's ability to reflect in action (Schön, 1987, p.118).

The Schönian approach, with its focus upon delivering students techniques of reflective practice when confronted with professional dilemmas in their working environments, seemed more appropriate to the task than broader educational approaches, such as that of Gagné (1985). The Gagnéan approach to the processes of learning itself and the designing of instruction for learning, while offering guidance on the psychology of learning, did not offer strategies for applying such theories to the professional workplace context.

The design of the Samoan workshop was informed by Schön's approach. It recognised Schön's early distinction between the educational terrain of theory and practice in the professions:

"In the varied topography of professional practice, there is a high, hard ground overlooking a swamp. On the high ground, manageable problems lend themselves to solution through the application of research-based theory and technique. In the swampy

lowland, messy, confusing problems defy technical solution." (Schön, 1987, p. 3).

Schön's description could be applied readily to the problems of media law facing court reporters. While the so-called "theory", or "requisite knowledge" of media law could be "covered" in such a training course, how well would such a curriculum prepare reporters for working to the bounds of the law in the reporting of an actual case? The course design attempted to allocate minimal time and resource to the "high ground", and focus instead on the "swampy lowland", nurturing skills of reflective practice among the participants.

There were three levels to the seven days of the program: morning training sessions featuring exercises, guest speakers and discussions; afternoon coaching sessions with journalists in their own newsrooms; and the post-course production of a ready reference manual on court reporting the journalists could carry with them during the trial. While the afternoon sessions were ideally suited to Schön's notion of the teacher as "coach", they were required mainly because the Samoan newsrooms were so small that many of the participants had to go back to work in the afternoons to produce stories for that day's edition or bulletin.

It was left to the morning sessions to address the minimum required "knowledge-based" curriculum comprehensively while embodying the spirit of Schön's practicum approach. In other words, before reporters could "reflect" upon their practice, they needed a bare minimum level of media law "content" to reflect upon. It was also seen as important that the 15-19 participants (numbers varied according to newsroom demands) understood the educational approach that was being used in the workshop.

Basic principles of metacognition (Paris, 1990) were explained, particularly Schön's own requirement that students be able to "reflect on our own reflection-in-action so as to produce a good verbal description of it" (Schön, 1987, p. 31). In other words, a crucial part of the learning process was that participants were able to recognise and articulate their own learning. The strategy adopted to build this reflection upon learning into the curriculum was to bring forward the construction of the court reporting reference manual into the sessions themselves. Participants were asked to note items which were of importance to the manual as they encountered them.

As the final activity in each morning session the group returned to the manual and participants made their suggestions on topics for inclusion. This served at least two purposes: it gave the journalists a sense of ownership over their own manual and it forced an articulation of items which were of the highest practical importance to emerge from each session. The result was a

document they had genuinely helped construct themselves, containing material of real practical value.

The morning sessions were dominated by the need to cover the required content, albeit in a variety of ways. There was a great deal to cover if journalists were to be prepared adequately for reporting such a major trial. As requested, the training sessions covered the Samoan legal system, the judicial process, court reporting techniques, notebook management, journalists' rights, contempt, defamation, criminal procedure, customary law and confidentiality. But the method of instruction varied markedly, given the need to maintain a high level of concentration and interest throughout. The beginning and end of the course featured a panel of editors and news directors defining the goals and assessing the outcomes. This helped underscore the importance of the topics being covered and put on the public record the support of senior journalists for the training exercise.

Early on, participants expressed a preference for the traditional lecture format, and this was accommodated in the form of a mini-lecture by the trainer. It was complemented by a high-powered line-up of guest speakers taking up central themes of journalism and justice. These included Australian High Commissioner Paul O'Callaghan, *Samoa Observer* editor Savea Sano Malifa, Deputy Secretary of Justice Tusipa Masina, Supreme Court Justice Andrew Wilson, criminal lawyer Patrick Fepulea'i, and Attorney-General Brenda Heather. The appearance of the presiding judge, Justice Wilson, as a guest speaker was an historic occasion in itself, and was testimony to his concern that the media should play a responsible role in the coverage of the upcoming trial.

However, the practicum approach of Schön required other dimensions to the pedagogy. Journalists were asked to take notes on several of the speakers' talks so they could write news stories based upon the presentations. (Unfortunately, some guests insisted their talks be 'off the record'.) This reporting requirement reinforced the key concepts emanating from each talk, particularly when the ensuing discussion of the most suitable news angles allowed journalists to articulate the concepts in the comfortable environment of a simulated newsroom editorial conference. Debates among participants of key media law issues were also used as an alternative method of delivery.

The program also featured two excursions to the District Court to hone court reporting skills on real cases. In preparation for the court reporting excursions, a role play of a court case was conducted in the seminar. This allowed the reporters to take on the courtroom persona and come to grips with the language of justice before reporting upon it. It was also a fun-filled session,

with the reporters clearly enjoying the theatrical roles they were assigned.

Schön's notion of the teacher as a "coach" was put to the test in the afternoon sessions held in the participants' own newsrooms. These workshops concentrated on the journalists' own court stories they were writing for deadline, along with practice drills. The idea was that the trainer would work side-by-side with the participants on their 'home turf', guiding them in their reporting and writing of court stories within the time pressures of their normal deadlines. This would allow the 'coach' to seize upon the moment of the journalistic dilemma, pause with the student, reflect upon and discuss the issue at hand, and guide them to a realistic decision while articulating the decision-making process (Schön, 1987, p. 118). While this did happen to some extent, Schön's model required some substantial adaptation after the first two afternoon sessions.

Time, resources and reality proved to be insurmountable obstacles to the success of the pure practicum approach in this instance. Time was an issue on two counts. Firstly, the participant was constrained by the rapidly approaching news deadline which meant reflection and discussion usually had to give way to the pressure to get the story done. Secondly, the limitation of seven afternoons of such training, rostered among the participants, meant that the serendipitous occurrence of the newsroom story matched perfectly with the learning need was not happening frequently enough within the precious few hours allocated to each journalist.

Resources were also stretched. Samoan journalists' working conditions were typically cramped, with reporters having to share space and equipment with their colleagues. Adding a trainer to the equation was not usually conducive with an optimum learning environment. Further, once in their home newsroom environment, reporters had to attend to their multi-dimensional work schedule, punctuated by phone calls, meetings and other necessary distractions. The sheer reality of the news reporter's work demands did not accommodate the training imperative.

The difficulties necessitated an alternative approach which minimised the shortcomings and still allowed the student-coach approach modelled by Schön. The effective solution was to take the reporter out of the newsroom for the rostered session, but to work with actual court and criminal stories they had written previously as part of their reporting duties or in class as one of the group's exercises. These sessions were held in spare rooms at the media organisations, in the training room after other delegates had gone, or in a nearby restaurant over an afternoon snack. For those who had already done some court or crime reporting, the

revisiting of the stories they had done previously served as a fruitful learning tool. Reporters talked through the previous stories, discussed pitfalls they had encountered and, most beneficially, constructed new approaches to the stories in the light of their learning in the workshop to date. Typically, they rewrote their original stories, an extremely valuable exercise for journalists and all too rare given the pressures of daily deadlines. Not surprisingly, some of the stories were much stronger after journalists had learned the limits of court and crime reporting within the law. Their original attempts had in some cases been too conservative because they were unaware of the protections available to them, commonly known as the “chill” factor of media law. Of course, on other occasions they learned that their original reporting had breached the law in some way, luckily escaping the attention of litigants at the time. Those who were restricted to individual tuition on their in-class exercises also reported they had found the exercise worthwhile.

In some respects, this “compromise” outside the news room was closer to Schön’s model than the workplace-based approach. His “reflective practicum” was centred upon the dialogue between coach and student in a “studio” environment, a simulation of the workplace in a controllable, risk-free educational context where the coach and student could combine telling and listening with demonstrating and imitating (Schön, 1987, p. 111). The mid-stream adaptation of the approach from the news room to the “studio” actually allowed for more of this iterative learning process to proceed. Further, the very change in pedagogical direction itself fitted with Schön’s notion of reflective practice. For Schön (1987, p. 118), experimentation generated new “problems, puzzles and confusions”, prompting “movement up or down the ladder of reflection”.

So, how successful was the workshop as an exercise in Schön’s reflective practice techniques? The teacher-coach’s subjective impression of the success of a course should not be seen as definitive, but neither should it be discounted. This author found the multi-layered methodology of the program particularly powerful. Formal sessions were complemented by relevant activities, which were in turn underpinned by the ongoing construction of the court reporting manual, and at another level reinforced by the afternoon coaching sessions. The curriculum and the pedagogy seemed to ‘gel’ particularly well.

The experience offered a stimulating alternative to the often mechanical paradigms of traditional industry-based training, driven by the notion of key minimal competencies delivered by visiting trainers from a training manual, complete with the requisite lecture notes, overhead transparencies and set exercises.

Schön (1987, p. 22) refers to the “professional artistry” of individuals who display a competence of reflecting in action as they encounter dilemmas in their work environments. The concept suggests that journalism educators, both industry and institution-based, might think much more closely about the “learning about learning”, or metacognitive, outcomes of their curriculum development. After all, the journalists who can recognise a situation requiring problem-solving and who can then rally the requisite skills for researching and dealing with that problem, are going to be better equipped for dealing with a professional crisis than those who can merely remember a body of knowledge or accepted practice.

Nevertheless, Schön himself conceded in his book that the reflective practice approach was far from perfect. He devoted his Chapter 6 to detailing “How the teaching and learning processes can go wrong” (Schön, 1987). Traditional assessment instruments used in law schools such as examinations might test the participants’ level of knowledge before and after such a course, but rarely allow a measurement of the student’s ability to reflect in action. One quantitative measure indicated the participants viewed the methods as holding some worth: attendance. Pacific delegates are renowned for voting with their feet when they consider a training course irrelevant. This is even more the case with reporters who often have to produce their regular news stories after hours when they are attending such a course. This seven day program recorded a healthy attendance of 15 on most days, with 14 even turning up on a public holiday which fell in the middle of the program.

However, by definition, the assessment of student performance in such a workshop must be qualitative, given the participants are involved in the very creative human enterprise of constructing news stories. On the available qualitative measures, the participants performed well. The items they generated for the court and criminal reporting manual were appropriate, and their explanations of these items were well articulated. The in-class exercises were performed well, with improvement across the seven days. The excursions to the District Court generated stories which improved to a generally publishable standard by the second visit.

However, the ultimate test of the course’s effectiveness was worryingly empirical. The final test was whether the Samoan journalists covering this historic trial could stay on the right side of the law as they reported this politically sensitive case. Most training courses do not have such a definitive occasion by which their success can be judged. This very real test was under way as the trial proceeded in Apia at the time of its initial writing. Its

progress was able to be viewed on the Internet at the *Samoa Observer's* web site (www.samoa.net/samoaobserver/) or at the specially constructed *Samoaalive* site at www.samoalive.com/shot_at_paradise_daily_report.htm.

As a pre-publication follow-up to the case study, the author interviewed Justice Wilson and two of the participants, Samoa Observer editor Savea Sano Malifa and reporter Keni Ramese Lesa, about the reportage of the trial and, in particular, the performance of those who had been trained. Of the 19 Samoan journalists who attended the workshop, in the end 11 reported upon at least some part of the trial (Lesá, 2000). As feared, and despite the training, there were at least four instances where local media transgressions attracted the attention of the court. The first occurred on the day before the trial started, and attracted a warning from Justice Wilson as his first words spoken in the trial proper:

... my attention was drawn yesterday to two local newspapers that were published yesterday. Each newspaper, in reporting aspects of this pending trial, made several mistakes. Some of those mistakes are of little importance, but some of them are of importance.

I would hope and expect that important errors will be publicly corrected and will be the subject of an apology, especially insofar as mistakes were made as to the names of the counsel representing the two accused. One of the newspapers concerned, in its several articles devoted to aspects of this pending trial, indulged in or reported others indulging in speculation about some important aspects of the trial.

I urged the members of the media to be accurate in their reporting. They should desist from indulging in and publishing speculation.

Whether information has been released to the media by the prosecuting authorities or whether information has been improperly leaked to the media, the media must not publish material that is likely to have impact upon the soundness and smooth-running of this trial. Newspaper speculation about what witnesses will be called and when, in circumstances in which this Court has not even been informed of the likely order of witnesses, must cease.

If any branch of the media continues to act in contravention of accepted journalistic standards, this Court may need to take action to restrict the activities of that branch of the media concerned.

I remind the media of the powers of this Court regarding contempt of court. It is a criminal offence to deliberately or recklessly attempt to pervert or interfere with the course of justice. The publication of material discussed at any sitting of this Court

in the absence of the assessors or at any sitting of this Court held “as in Chambers” will in future be frowned upon and may necessitate court action. (Samoalive.com, 2000).

The comments referred to articles in the two main English language newspapers in Apia, one of which had sent staff to the training course. Other instances requiring a comment or warning from the judge were transgressions by radio stations (Lesa, 2000). One was an inaccurate report of some of the evidence to do with the location of a bullet and another was a serious breach of a suppression order on the name of a protected witness. Both errors were made by journalists who had attended the training workshop. A third radio reporter’s error, which almost resulted in a mistrial, involved the publication of material not revealed in court, including the previous criminal record of one of the accused. This journalist had not attended the training session. Justice Wilson explained that on that occasion he had to call the journalist and the proprietor into his chambers and make an order prohibiting them from further broadcast of that item (Wilson, 2000).

Despite these incidents which offer a reality check on the success of the workshop, Justice Wilson’s view of the media’s performance was positive. He explained he had to do “no more and no less than I would have been expected to do in a trial of this magnitude and length”. He continued:

As the trial progressed I became firmly of the view that the media discharged their role very responsibly. By the end of the trial I thought they were serving the public well... I came away from this trial with a very favourable impression of the media’s conduct. (Wilson, 2000).

He attributed at least part of the media’s competent performance to the fact that many had done the training course.

All that happened after that training course was pretty good. What the course did was focus the journalists’ attention on the issues and I think they genuinely tried to do the right thing when they were discharging their responsibilities. (Wilson, 2000).

Justice Wilson suggested that if there was a negative aspect to the training, it was that it might have caused some journalists to feel too constrained in their reporting (Wilson, 2000). He noted a tendency of some outlets to simply republish the court transcript when it was released rather than venture into interpretive articles about each day’s proceedings. This observation underlines the concern that such courses should not add unreasonably to the “chill” factor in journalists’ reportage of legally sensitive issues. Nevertheless, Justice Wilson’s overall view of the impact of the workshop was positive. “Without it, anything might have happened,” he said. (Wilson, 2000).

Reporter Keni Ramese Lesa from the *Samoa Observer*, who

attended the workshop, said the “trial of the millenium” was the first court case he had ever covered. He said the workshop gave him confidence in his reporting and felt he may have encountered trouble in his reporting if he had not learned about reporting restrictions in the training program (Lesa, 2000). Clearly, such recollections offered in a journalistic style of ex post facto interview research have their limitations. Nevertheless, they indicate some of the key workshop participants found retrospective value in the training program.

And while the name “Donald Schön” was not mentioned during the course of these historic criminal proceedings proceedings, it seemed the legacy of his educational approach was being followed by at least 11 on the press benches throughout the trial. ■

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